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OFFICE OF PETITIONS

In re Application of :
Shirani et al. : DECISION ON PETITION
Application No. 09/286,679 :
Filed: 1 April, 1999 :
Atty Docket No. VN418RI :

This is a decision on the petition under 37 CFR 1.47(a) filed on 19 February, 2004, which is being treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR §§ 1.67 and 1.175 where it requires that a supplemental declaration be executed by a named inventor.¹

The petition is before the Office of Patent Legal Administration for decision.

The petition is **GRANTED**.

REVIEW OF FACTS

1. On 1 April, 1999, the application was filed as an application for reissue of U.S. Patent No. 5,617,418.
2. On 27 July, 2001, an Office action in accordance with *Ex parte Quayle* (1935 C.D. 11, 435 O.G. 213), was mailed, setting a two (2) month shortened statutory period for reply.
3. On 19 February, 2005, an amendment and a supplemental declaration, signed only by joint inventor Brian Edem, was filed.

¹ Once an application has received a fully executed oath or declaration and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. Rather, the remedy for treating an inventor's refusal to also sign a supplemental oath or declaration is waiver of 37 CFR 1.67. See MPEP 603.

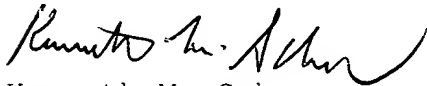
4. On 19 February, 2005, the present petition was also filed, whereby petitioners assert that joint inventor Ramin Shirani was sent a copy of the supplemental declaration (via e-mail), but has refused to sign and return the supplemental declaration.

DECISION ON PETITION UNDER 37 CFR 1.183
TO WAIVE §§ 1.67 AND 1.175

In view of the efforts recounted in the petition to obtain the signature of Ramin Shirani on the supplemental declaration in compliance with 37 CFR 1.175, and Mr. Shirani's oral refusal to sign the supplemental reissue declaration, it is agreed that justice would be served by waiving the requirement for the signature of joint inventor Shirani on the supplemental declaration filed on 19 February, 2005.

CONCLUSION

1. The petition is granted. The petition fee of \$400.00 will be charged to counsel's deposit account, No. 50-0251.
2. The application is being forwarded to Technology Center 2666 for further processing.
3. Telephone inquiries related to this decision only should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.
4. Inquiries regarding petition status or general petition information are handled by the Office of Petitions staff at (571) 272-9282.



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